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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

7-22-02

U.S. DISTRICT COURT
WEST. DIST. OF WISCONSINNEIL GAIMAN and
MARVELS AND MIRACLES, L.L.C.,

Plaintiffs,

v.

TODD MCFARLANE,
TODD MCFARLANE PRODUCTIONS,
INC., TMP INTERNATIONAL, INC.,
MCFARLANE WORLDWIDE, INC., and
IMAGE COMICS, INC.,

Defendants.

JUL 29 2002

FILED
JOSEPH W. SKUPNIEWITZ CLERK
CASE #

Case No.: 02-C-0048-S

DECLARATION OF DENIS KITCHEN

I, Denis Kitchen, make this declaration under penalties of perjury that:

1. My name is Denis Kitchen.
2. I have been retained by Neil Gaiman as a potential expert witness in the above captioned matter.
3. I have more than 30 years of experience in the comics industry. My primary experience is in publishing. I operated my principal publishing company, Kitchen Sink Press, from 1969-1999. In 2000 I founded Denis Kitchen Publishing, which focuses on periodic books by some of the field's most respected authors. I have also co-published books with companies such as DC Comics.
4. In addition to my experience as a comics publisher, I have experience as a comics retailer, distributor, cartoonist, writer, editor and agent.

5. Following earlier skirmishes between comics publishers and creators, alternative cartoonists during the 1970s and '80s asserted the right to own their creations. By the early 1990s, "creator rights" was a buzzword in the comic industry. In 1988, several prominent comic book authors and artists wrote "A Bill of Rights for Comics Creators." The document became a cornerstone of the creator's rights movement in the comic industry. The creator's rights movement attempted to gain more rights for comic book authors and writers vis-à-vis the big comic book publishers such as D.C. Comics and Marvel. In particular, the creators were interested in obtaining greater control over the use of their work and characters, including copyrights in them, and to obtain equitable royalties for their work.

6. Attached as Exhibit A is a true and correct copy of the Bill of Rights for Comics Creators.

I DECLARE, SUBJECT TO THE UNITED STATES LAWS GOVERNING
PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: 7/22/02

Signed:

Denis Kitchen
Denis Kitchen

A Bill of Rights for Comics Creators

For the survival and health of comics, we recognize that no single system of commerce and no single type of agreement between creator and publisher can or should be instituted. However, the rights and dignity of creators everywhere are equally vital.

Our rights, as we perceive them to be and intend to preserve them, are:

1.

The right to full ownership of what we fully create.

2.

The right to full control over the creative execution of that which we fully own.

3.

The right of approval over the reproduction and format of our creative property.

4.

The right of approval over the methods by which our creative property is distributed.

5.

The right to free movement of ourselves and our creative property to and from publishers.

6.

The right to employ legal counsel in any

and all business transactions.

7.

The right to offer a proposal to more than one publisher at a time.

8.

The right to prompt payment of a fair and equitable share of profits derived from all of our creative work.

9.

The right to full and accurate accounting of any and all income and disbursements relative to our work.

10.

The right to prompt and complete return of our artwork in its original condition.

11.

The right to full control over the licensing of our creative property.

12.

The right to promote and the right of approval over any and all promotion of ourselves and our creative property.

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